HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 27168 OF 2006

Between:

Leo Auguisteen

..... Petitioner

AND

The Government of Andhra Pradesh,
Rep. by Principal Secretary,
Higher Education, Hyderabad & others

.....Respondents

:: O R D E R ::

Counsel for the petitioner : Shri S. Bhooma Goud

Dated: 29.12.2006

Per G.S.SINGHVI, CJ

In this petition filed in the name of public interest litigation, the petitioner has made the following prayer:

> " Therefore, it is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents in not implementing the order dated 09.08.2002 passed by Division Bench of this Hon'ble Court in W.P.Nos. 2411 of 2002, 3206, 4860, 4890, 5727, 6212, 7567, 8151, 8887, 11171, 11192, 17086 of 2001 and 499 of 2002 as illegal, bad and amounts to failure on part of the respondents to discharge their obligations to implementing the said order and consequently direct the respondents to implement the order dated 09.08.2002 passed by Division Bench of this Hon'ble Court in W.P.Nos. 2411 of 2002, 3206, 4860, 4890, 5727, 6212, 7567, 8151, 8887, 11171, 11192, 17086 of 2001 and 499 of 2002."

We have heard Shri S. Bhooma Goud, learned counsel for the petitioner and perused the record. In our opinion, the writ petition is liable to be dismissed for more than one reason, which are enumerated hereunder:

(1) the petitioner has sought a direction which, if granted, would tantamount to stoppage of payment of salary to above 2,000 teachers employed in the services of Osmania University and colleges affiliated to it, but as none of them has been impleaded as a party, we cannot make an order prejudicially affecting their rights;

(2) Osmania University, Hyderabad which is a creature of statute has not been impleaded as a party to the writ petition. The Registrar, who has been impleaded as

respondent No.3 is only a functionary of the university and not a body corporate, which has a juridical existence, in terms of Section 3(3) of the Andhra Pradesh Universities Act, 1991.

(3) The petitioner's prayer for quashing circular dated 25.08.2006 has to be treated as premature because it is intended only for informing the eligible persons to submit their applications for being considered for award of Assistant Professor (Senior Scale, Selection Grade, Promotion) under the Career Advancement Scheme framed by the University Grants Commission.

For the reasons stated above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.34911 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

29.12.2006
ksld